

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR-18-85-C
)	
DAMIEN CHAVON BUSBY, SR.,)	
)	
Defendant.)	

ORDER

Defendant requests the Court to reconsider the denial of his Motion for Assistance of Counsel. There is simply no authority under which the Court may appoint counsel to assist him. Further, Defendant has failed to demonstrate his case warrants the Court seeking pro bono counsel to act on his behalf. Thus, his request for reconsideration will be denied.

To the extent Defendant requests the Court to grant him compassionate release, that request will also be denied. 18 U.S.C. § 3582(c)(1)(A) imposes three criteria to be considered when addressing a request for compassionate relief: (1) filing requirements; (2) extraordinary and compelling reasons; and (3) that the reduction is consistent with the 18 U.S.C. § 3553 factors. Defendant's request fails to satisfy the second element. In arguing the existence of extraordinary and compelling reasons, Defendant cites the need to assist in caring for his mother and assist his wife in paying household expenses. These reasons do not satisfy the scope of extraordinary and compelling reasons set out by the

commentary to U.S.S.G. § 1B1.13. Thus, he has failed to demonstrate he is entitled to compassionate release.

Even had Defendant demonstrated extraordinary and compelling reasons, he must still demonstrate that any sentence reduction is consistent with the § 3553 factors. The Court is persuaded by the arguments raised by Plaintiff demonstrating Defendant remains a threat to the community and that early release is not consistent with the § 3553 factors.

For the reasons set forth herein, Defendant's "Motion for Reconsideration, Untitled Letter Motion Requesting for the Assistance of Counsel in Filing a Compassionate Release Motion 18 U.S.C. 3582(c)(1)(A)(i) Extraordinary and Compelling Circumstances Due to COVID-19/CARES Act (P.L. 116-136, 134 Stat. 28)" (Dkt. No. 43) is DENIED.

IT IS SO ORDERED this 30th day of December, 2020.


ROBIN J. CAUTHRON
United States District Judge